

IN THE UNITED STATES DISTRICT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LUANN PARKER,	:	CASE NO.: C-1-00-766
	:	
Plaintiff,	:	JUDGE Susan J. Dlott
	:	
V.	:	PLAINTIFF'S MOTION FOR
	:	EXTENSION OF TIME TO
AVENTIS S.A., et al.,	:	RESPOND TO THE DEFENDANT'S
	:	MOTION FOR SUMMARY
Defendant.	:	JUDGMENT

Now comes Plaintiff Luann Parker, by and through counsel, and respectfully moves this honorable Court for 30 days extension to file her response to the Defendant's Motion for Summary Judgment.

This case involves complicated scientific issues. Ms. Parker was diagnosed with "encephalitis following a flu shot" by her treating physician at Bethesda North Hospital on October 25, 1998. That diagnosis was reaffirmed two days later at her second hospitalization. Her neurologist later consulted "CDC" (Center for Disease Control) in Atlanta; an expert at the CDC confirmed the diagnosis. On December 29, 1998 Ms. Parker was transferred to The Cleveland Clinic. An expert there after eliminating all other causes for her illness, diagnosed her case as ADEM (Acute Disseminated Encephalomyelitis) caused by her flu shot. Finally Dr. David Griesemer, Chair of the Department of Neurology at the University of South Carolina Medical School reviewed all of Ms. Parker's medical records including her MRIs. His diagnosis: ADEM caused by the flu shot.

Defendant argues that since there is no epidemiological study linking flu shots with ADEM, Plaintiff's case should be dismissed. Defendant has had Ms. Parker examined by its own

expert, but it has not yet shared the report with Plaintiff. There is no doubt that although there is no epidemiological study in this country, Defendant's expert will reach the same conclusion as the Plaintiff's treating physicians: Ms. Parker suffered from ADEM after a flu shot. The Institute of Medicine, in its 2004 report on **Immunization Safety Review** states:

Other Demyelinating Neurological Conditions

Several case reports have been published mentioning the occurrence of other neurological disorders (e.g. acute disseminated encephalomyelitis, transverse myelitis) after influenza vaccination (Saito et al., 1980; Yahr and Lobo-Antunes, 1972; Bakshi and Mazziotta, 1996; Lerner and Farmer, 2000). Other neurological conditions were reported from the surveillance system set-up during the 1976 National Influenza Immunization Program, but the data were not sufficient to assess causality (Retailliau et al., 1980). No other epidemiological studies were identified. Based on the nature of case reports and the paucity of epidemiological data, **the committee concludes that the evidence is inadequate to accept or reject a causal relationship between influenza vaccines and other demyelinating neurological disorders.** (Emphasis in original)

Id. at 10.

Plaintiff was examined by Defendant's physician on June 10, 2004, but no report has been given to the Plaintiff. Plaintiff needs that report to include in her response to the Defendant's Motion for Summary Judgment. Defendant has no objection to this extension.

Respectfully Submitted,

/s/ Firooz T. Namei

Firooz T. Namei (0018615)

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Certificate of Service

This is to certify that a copy of the foregoing Motion for Extension of Time To Respond to the Defendant's Motion for Summary Judgment was served by First Class U.S. Mail, upon John J. Siciliano, Esq., Shumaker, Loop & Kendrick, LLP, 1000 Jackson, Toledo, Ohio 43624-1537, Attorney for Defendant, this 23rd day of August, 2004

/s/ Firooz T. Namei

Firooz T. Namei (0018615)